

ELLEN F. ROSENBLUM
Attorney General
STACY C. POSEGATE #064743
Senior Assistant Attorney General
JESSE B. DAVIS #052290
Assistant Attorney General
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
Telephone: (503) 947-4700
Fax: (503) 947-4792
Email: Stacy.C.Posegate@doj.state.or.us
jesse.b.davis@doj.state.or.us

Attorneys for Intervenor State of Oregon

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

COALITION FOR A LIVABLE FUTURE, an
Oregon nonprofit corporation, et al.,

Plaintiffs,

v.

Federal Highway Administration, an agency of
the United States Department of Transportation;
et al.,

Defendants.

3:12-cv-01180-PK (Lead Case)
3:12-cv-01181-PK (Trailing Case)

STATE OF OREGON'S STATUS REPORT
TO THE COURT

In the October 8, 2013 Status Conference, the Court directed Oregon to provide an updated project construction schedule and report from the Project Management Oversight Consultant ("PMOC") or, alternatively, to provide an explanation as to why either or both would not be provided. Oregon responds as follows:

Oregon cannot provide the schedule or an updated report at this time. Oregon is not in control of the PMOC report and defers to co-defendant Federal Transportation Administration

(“FTA”) for an explanation as to its absence as the FTA retains and controls the activity of the PMOC. With respect to the construction schedule, ODOT is primarily responsible for updating the CRC Project schedule. The project is working to update the schedule, and intends to make public a new schedule in the future. However, it is premature to update the existing schedule until ODOT knows whether a special session of the Oregon legislature will or will not convene this November. Any schedule produced by the Project based on a November session would have to be modified if the Legislature does not convene in special session.

Rather than produce a schedule that may very likely change in December, ODOT believes that the prudent course of action is to wait to update the construction schedule when more legislative certainty is achieved. For example, if a funding decision is deferred until the February 2014 regular legislative session, ODOT anticipates that this will delay its in-water work for the 2015 construction year and would likely cause delays in the present projected date of delivery on the bridge span. ODOT hopes to minimize the impact of delay as much as possible.

Oregon respectfully requests the Court to disregard the status of the construction schedule as it has no relevance to the federal agency decisions that all Plaintiffs challenge in this action. Oregon is still working to secure financing to construct the bridge based on the plan that has been approved under the National Environmental Policy Act. That funding is not secure at this time or that the ultimate construction schedule may not be completed on the anticipated date does not change Oregon’s long term plan or the Federal Agency support for this project. The complaints before this court question whether that plan is consistent with federal environmental laws, not when or if the project can be completed under the current schedule. The construction

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schedule is irrelevant to those issues and should not impact how the parties present their arguments on the actual issues before this Court.

DATED November 07, 2013.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Stacy C. Posegate
STACY C. POSEGATE #064743
Senior Assistant Attorney General
JESSE B. DAVIS #052290
Assistant Attorney General
Trial Attorneys
Tel (503) 947-4700
Fax (503) 947-4792
Stacy.C.Posegate@doj.state.or.us
jesse.b.davis@doj.state.or.us
Of Attorneys for Intervenor